

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="display: flex; justify-content: space-between;"><div style="width: 90%;"><p>JAMES G. PAULSEN, Regional Director of Region 29 of the National Labor Relations Board, for and on behalf of the NATIONAL LABOR RELATIONS BOARD,</p><p style="text-align: center;">Petitioner,</p></div><div style="width: 5%; text-align: center;">)</div></div>)	
)	
)	
)	
)	
v.)	
)	
<p>REMINGTON LODGING & HOSPITALITY, LLC</p>)	
)	
)	
Respondent.)	
<hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/>)	

Case No.: 13-cv-2539

STATUS REPORT

Respondent Remington Lodging & Hospitality, LLC d/b/a the Hyatt Regency Long Island Hotel provides this status report, as directed by this Court.

On December 12, 2014, the United States Circuit Court of Appeals for the Second Circuit entered the following Order, presenting two alternative actions:

We remand with instructions that the district court enter an injunction ordering that Remington offer [employee Margaret Loiacono] either immediate reinstatement or re-employment on the same terms and conditions as her prior employment as soon as an appropriate position becomes available.

Immediate reinstatement is not possible, as the position formerly held by M. Loiacono – lobby ambassador – no longer exists, for the reasons stated below.

The Hyatt hotel company, which licenses the Hyatt brand ¹, and sets the “standards” for the operation of hotels branded as Hyatt Hotels, now requires doorpersons (traditionally referred to as doormen) in addition to bellpersons (bellmen). Hyatt, as licensor, does not require the lobby ambassador position. Previous to this new directive by Hyatt, the Hyatt Regency Long Island Hotel did not have a doorperson position. The Hotel instead utilized bellpersons and lobby ambassadors. Since adding the doorperson position, the lobby ambassador position has been eliminated.

Doorpersons are primarily responsible for greeting guests arriving at the main entrance by automobiles, taxis and motor coaches, and assisting them with luggage. Departing guests are also assisted with luggage, and with transportation needs.

The most “appropriate position” for Ms. Loiacono would be a front-desk agent position. This job is similar in material respects to the former lobby ambassador position. The work is carried out in the Hotel lobby, involves answering questions and providing information to guests, and requires excellent hospitality and communication skills, along with the clerical work of checking guests into and out of the Hotel. The front-desk agent position, unlike the doorperson job, does not involve heavy lifting.

Remington is prepared to offer Ms. Loiacono a front-desk agent position. At the present time, however, there are no openings for this position.

Remington will therefore offer Ms. Loiacono, consistent with the above-quoted direction from the Court of Appeals, “re-employment” to the “appropriate position” of front-desk agent, “as soon as” this position “becomes available.” The offer of this re-employment will be “on the

¹ Hyatt does not own or manage the Hyatt Regency Long Island

same terms and conditions as her prior employment.” If accepted, she will receive her former rate of pay and benefits, with no loss of seniority.

Subject to any further direction from this Court, Remington will proceed promptly in communicating the foregoing directly to Ms. Loiacono. She will be kept apprised concerning the first available opening.

Respectfully submitted on January 9, 2015.

STOKES WAGNER HUNT MARETZ & TERRELL

/s/ Karl M. Terrell

Karl M. Terrell
Stokes Wagner Hunt Maretz & Terrell
3593 Hemphill Street
Atlanta, Georgia 30337
kterrell@stokeswagner.com
404-766-0076 Telephone
404-766-8823 Facsimile

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

JAMES G. PAULSEN, Regional Director of Region 29 of the National Labor Relations Board, for and on behalf of the NATIONAL LABOR RELATIONS BOARD,)	
)	
)	
)	
Petitioner,)	Case No.: 13-cv-2539
)	
v.)	
)	
REMINGTON LODGING & HOSPITALITY, LLC)	
)	
Respondent.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing Status Report with the Court's electronic filing system, which will automatically send notification to the following counsel of record:

Brent Childerhose
Ashok Bodke
Lara Hadad
James G. Paulsen, Regional Director
National Labor Relations Board, Region 29
Two Metrotech Center Brooklyn, NY 11201
brent.childerhose@nlrb.gov
ashok.bokde@nlrb.gov
lara.haddad@nlrb.gov

Dated this 9th day of January 2015.

/s/ Karl M. Terrell
Karl M. Terrell